



06 APR 2006

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112In re Application of  
ROTH et al.

Application No.: 10/511,163

PCT No.: PCT/US03/12281

Int. Filing Date: 21 April 2003

Priority Date: 19 April 2002

Attorney Docket No.: 02618.4006X0

For: COMPOSITE STRUCTURAL MATERIAL  
AND METHOD OF MAKING SAME

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's Request for Reconsideration of Decision on Response and Petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) on 18 January 2006.

On 21 April 2003, applicants filed international application PCT/US03/12281 which claimed a priority date of 19 April 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 19 October 2004.

On 14 October 2004, applicant filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States which identified the international application as **PCT/US03/17281**. Applicants included a preliminary amendment and application data sheet, which referenced PCT/US03/12281.

On 05 April 2005, a Notification of Missing Requirements identifying international application **PCT/US03/17281**, was mailed to applicants indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 04 August 2005, applicants filed a response to the Notification of Missing Requirements, including an executed declaration, directed to PCT/US03/12281.

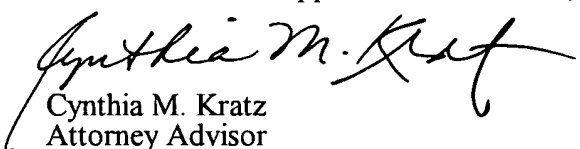
On 19 December 2005, a decision on the response was mailed to applicant indicating that Transmittal Letter submitted by applicants identified the international application number as **PCT/US03/17281**. Based on applicant's error, a national stage application file was created for **PCT/US03/17281**, rather than for PCT/US03/12281.

On 19 January 2006, applicant submitted the instant petition. Applicants do not dispute the error but indicate that the correctly identified international application number appeared on accompanying papers. The transmittal letter submitted on 14 October 2004 did not clearly identify the PCT international application to which it was directed. Consequently, the US/DO/EO assigned U.S. serial number 10/511,163 as the national stage of PCT/PCT/US03/17281. In order to correct the identification of the 10/511,163 as the national stage of PCT/US03/12281, the petition under 37 CFR 1.182 is required. Per applicants' authorization, the petition fee of \$400 will be charged to his deposit account.

Applicants' petition under 37 CFR 1.182 to correct the error in the Transmittal Letter (Form PTO-1390) submitted on 14 October 2004 is **GRANTED**. U.S. application no. 10/511,163 is the national stage of PCT/US03/12281.

**CONCLUSION**

Applicants' Petition under 37 CFR 1.182 is **GRANTED**. The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. U.S. application no. 10/511,163 is the national stage of PCT/US03/12281.



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